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10 Attorneys for Defendant
CHART INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 *IN RE PACIFIC FERTILITY CENTER*
17 *LITIGATION*

Case No. 3:18-cv-01586-JSC

18 **DECLARATION OF MOLLY**
19 **MORIARTY LANE IN SUPPORT OF**
20 **STIPULATION EXTENDING**
21 **DEADLINE TO FILE AMENDED**
22 **THIRD-PARTY COMPLAINT**

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Local Rules 6-1(b), 6-2, and 7-12

1 I, Molly Moriarty Lane, declare as follows:

2 1. I am a partner at the law firm of Morgan, Lewis & Bockius LLP, which is counsel
3 of record for Chart Inc. (“Chart”) herein. I am an attorney admitted to practice in the State of
4 California and am admitted to practice before this Court. I submit this declaration in support of
5 the Stipulation Extending Deadline to File Amended Third-Party Complaint, filed concurrently
6 herewith. I have personal knowledge of the matters stated herein.

7 2. On October 10, 2019, Chart filed a Third-Party Complaint against Third-Party
8 Defendants San Francisco Fertility Centers, d/b/a Pacific Fertility Center, Joseph Conaghan, PhD,
9 Eldon D. Schriock, M.D., Carolyn R. Givens, M.D., Philip E. Chenette, M.D., Carl M. Herbert,
10 M.D., Liyun Li, M.D., and Isabelle P. Ryan, M.D. (collectively, “Third-Party Defendants”) (Dkt.
11 288).

12 3. On December 10, 2019, the Third-Party Defendants (except for Dr. Conaghan)
13 filed a Motion to Dismiss the Third-Party Complaint (Dkt. 339) (“PFC’s Motion to Dismiss”).

14 4. On January 16, 2020, Dr. Conaghan filed a Motion to Dismiss the Third-Party
15 Complaint (Dkt. 362) (“Conaghan’s Motion to Dismiss”).

16 5. Chart filed oppositions to PFC’s Motion to Dismiss and Conaghan’s Motion to
17 Dismiss on January 14 and January 30, 2020, respectively (Dkts. 360, 378).

18 6. On January 28, 2020, the Third-Party Defendants (except for Dr. Conaghan) filed
19 a reply in support of PFC’s Motion to Dismiss (Dkt. 375).

20 7. On February 6, 2020, Dr. Conaghan filed a reply in support of Conaghan’s Motion
21 to Dismiss (Dkt. 382).

22 8. At the February 27, 2020, hearing on the motions to dismiss, the Court dismissed
23 the Third-Party Complaint with leave to amend within 21 days.

24 9. On March 18, 2020, Chart and the Third-Party Defendants stipulated to extend the
25 deadline to file the Amended Third-Party Complaint until April 9, 2020, and the Court so ordered
26 (Dkt. 425).

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1 10. On April 9, 2020, Chart and the Third-Party Defendants stipulated to extend the
2 deadline to file the Amended Third-Party Complaint until April 23, 2020, and the Court so
3 ordered (Dkt. 430).

4 11. Given ongoing meet and confer efforts among Chart and the Third-Party
5 Defendants, Chart and the Third-Party Defendants have stipulated and agreed to extend Chart's
6 deadline to file its Amended Third-Party Complaint for thirty (30) days, through and including
7 May 25, 2020.

8 12. Previous modifications of the schedule in the case are as follows:

- 9 a. The Court entered a stipulated briefing schedule extending Pacific Fertility
10 Center ("PFC") and Prelude Fertility, Inc.'s ("Prelude") time to respond to
11 the complaint (Dkt. 17);
- 12 b. The Court continued the initial case management conference (Dkt. 48, 66);
- 13 c. The Court extended the parties' respective deadlines related to PFC's
14 motion to compel arbitration and related joinders (Dkt. 69);
- 15 d. The Court continued the hearing date on PFC's motion to compel
16 arbitration and related joinders from September 6, 2018, to November 8,
17 2018 (*id.*), and then again to November 9, 2018 (Dkt. 115);
- 18 e. The Court extended the deadline for Plaintiffs, PFC, and Prelude to
19 participate in private ADR from August 28, 2018, to November 5, 2018
20 (Dkt. 85).
- 21 f. The Court extended the deadline for all parties to participate in private
22 ADR from November 5, 2018, to February 8, 2019 (Dkt. 130).
- 23 g. The parties stipulated to a 10-day extension of the deadline for Defendants
24 to respond to the Amended Consolidated Complaint from April 8, 2019, to
25 April 18, 2019 (Dkt. 197).
- 26 h. The parties stipulated to suspend the deadline for Defendants to respond to
27 the Amended Consolidated Complaint until the further Case Management
28 Conference on April 25, 2019 (Dkt. 198).

- 1 i. The parties stipulated to adjust the class certification schedule (Dkt. 264),
2 and the Court entered that stipulation (Dkt. 265).
- 3 j. The parties stipulated that the deadline for Defendants to answer or
4 otherwise respond to the Second Amended Complaint be extended 14 days,
5 until September 26, 2019 (Dkt. 273).
- 6 k. At the Case Management Conference on September 12, 2019, the Court
7 extended the deadline to move to amend pleadings until October 4, 2019
8 (Dkt. 276).
- 9 l. The parties stipulated to extend the time to file declarations establishing
10 that designated material is sealable (Dkt. 305), and the Court entered that
11 stipulation (Dkt. 309).
- 12 m. The Third-Party Defendants and Chart stipulated to a continuance of the
13 deadline to respond to the Third-Party Complaint to December 6, 2019
14 (Dkt. 314), and further stipulated to a continuance of the deadline to
15 respond to the Third-Party Complaint to December 20, 2019 (Dkt. 338).
- 16 n. At the Case Management Conference on November 21, 2019, the Court
17 extended the deadline for Defendants to file oppositions to Plaintiffs' Class
18 Certification Motion to January 10, 2020, and extended the deadline for
19 Plaintiffs to file a reply to February 6, 2020 (Dkt. 330).
- 20 o. The Third-Party Defendants (except for Dr. Conaghan) and Chart
21 stipulated to a continuance of the deadline to oppose PFC's Motion to
22 Dismiss to January 14, 2020, and to a continuance of the deadline to reply
23 in support of that motion to January 28, 2020 (Dkt. 343), and the Court
24 entered that stipulation (Dkt. 344).
- 25 p. Third-Party Defendant Joseph Conaghan and Chart stipulated to a
26 continuance of the deadline to respond to the Third-Party Complaint to
27 January 16, 2020 (Dkt. 347).
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- 1 q. The parties stipulated to continue the January 16, 2020 case management
2 conference to February 27, 2020 (Dkt. 348), and the Court entered that
3 stipulation (Dkt. 349).
- 4 r. The parties stipulated to extend the time to file declarations establishing
5 that designated material is sealable from January 14, 2020, to January 24,
6 2020 (Dkt. 359), and the Court entered that stipulation (Dkt. 361).
- 7 s. The parties stipulated to enlarge the page limit for Plaintiffs' class
8 certification reply and adjust the Daubert motion briefing schedule to allow
9 for a supplemental submission following the deposition of Chart's
10 statistician (Dkt. 364), and the Court entered that stipulation (Dkt. 365).
- 11 t. The parties stipulated to a ten (10) day extension of the time to file
12 declarations establishing that designated material is sealable, until February
13 20, 2020 (Dkt. 388), and the Court entered that stipulation (Dkt. 390).
- 14 u. Chart and the Third-Party Defendants stipulated to extend the deadline to
15 file the Amended Third-Party Complaint for twenty-one (21) days until
16 April 9, 2020, and the Court so ordered (Dkt. 425).
- 17 v. Chart and the Third-Party Defendants stipulated to extend the deadline to
18 file the Amended Third-Party Complaint for fourteen (14) days until
19 April 23, 2020, and the Court so ordered (Dkt. 430).

20 13. The extension of time will not alter the date of any event or any deadline already
21 fixed by Court order.

22 I declare under penalty of perjury under the laws of the United States that the foregoing is
23 true and correct. Executed this 23rd day of April 2020, in San Francisco, California.

24
25 /s/ Molly Moriarty Lane
26 Molly Moriarty Lane
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